

REMARKS/ARGUMENTS

Favorable reconsideration of this application, in view of the present amendment and in light of the following discussion, is respectfully requested.

Claims 20-30, 32, 33, and 35-41 are pending in the present application. In the present amendment, Claim 33 is currently amended and new Claim 41 is added. Support for the present amendment can be found in the original specification, for example, at page 13, lines 6-34, at page 14, line 33 to page 15, line 30, and in Figure 10. Thus, it is respectfully submitted that no new matter is added.

In the outstanding Office Action, Claims 20-23, 25, 27, 28, 30, and 32 were rejected under 35 U.S.C. § 103(a) as unpatentable over Scott (U.S. Patent No. 2,172,091) in view of Royce et al. (U.S. Patent No. 4,233,780, hereinafter "Royce"); and Claims 33 and 35-40 were rejected under 35 U.S.C. § 103(a) as unpatentable over Scott in view of Kennedy (U.S. Patent No. 5,584,143).

In response to the rejections under 35 U.S.C. § 103(a), Applicants respectfully request reconsideration of these rejections and traverse these rejections, as discussed below.

As discussed previously, independent Claim 20 recites, in part, a seal comprising a body made of a single flexible material having a Shore A hardness of between 40 and 60. Thus, the entire body, including the base piece and the two shoulders is made of a single flexible material having a Shore A hardness of between 40 and 60. Accordingly, the seal can be easily manufactured and is compressible and flexible enough to create a spring force to hold the seal in place while being stressed many times over a period of time.¹ It is respectfully submitted that the cited references do not disclose or suggest every feature recited in Claim 20.

¹ See the original specification, for example, at page 4, lines 9-14, at page 5, lines 1-13, and at page 15, lines 1-16.

Scott describes a weather strip 28 that has a base portion 30 that can fit into a u-shaped channel 26.² However, as conceded on page 3 of the Office Action, Scott does not disclose or suggest that the weather strip 28 has a Shore A hardness of between 40 and 60. Instead, the Office Action relies on Royce to cure this deficiency of Scott.

Royce describes a seal 5 including retaining means in the form of a strip 13 of solid elastomeric material and a bead 17 extending the length of a longitudinal groove in the strip 5.³ Further, Royce describes that the strip 13 has a Shore hardness of 70 and the bead 17 has a Shore hardness of 30 to 45.⁴

However, it is respectfully submitted that Scott in view of Royce does not disclose or suggest that “the body is made of a single flexible material having a Shore A hardness of between 40 and 60,” as recited in Claim 20.

Instead, Scott is silent regarding the Shore A hardness of the weather strip 28 and Royce describes that the seal 5 includes *two* materials each having a *different* Shore hardness. Further, Royce teaches away from using a single material with a Shore hardness of less than 70 for the seal 5, stating that such a soft gasket material would still produce internal stresses within a door having the seal 5.⁵ Accordingly, a person of ordinary skill in the art would not find it obvious to modify the weather strip 28 of Scott to have the claimed Shore A hardness as Royce teaches away from using the Shore A hardness for a single material.

The Office Action takes the position that Applicants’ previous response argued the references individually, instead of the combination thereof. However, the position taken by the Office Action does not consider the entire teaching of each reference. See MPEP 2141.02 VI. Applicants respectfully submit that, when Royce is considered as a whole, Royce teaches away from modifying the single material of Scott for the reasons discussed above in detail.

² See Scott, at page 2, column 1, lines 3-9 and in Figures 5 and 6.

³ See Royce, at column 2, lines 15-22 and in Figure 2.

⁴ See Royce, at column 2, lines 15-22 and in Figure 2.

⁵ See Royce, at column 1, lines 16-37.

Specifically, it would not be proper to select a single Shore harness from Royce because Royce teaches away from such a seal. Accordingly, Applicants respectfully submit that the combination suggested by the Office Action is not supported by the actual teachings of the references.

Therefore, it is respectfully submitted that Claim 20 patentably defines over Scott in view of Royce. Thus, it is respectfully requested that the rejection of Claim 20 and the claims that depend thereon based on Scott in view of Royce be withdrawn.

Independent Claim 33 recites, in part, a glazing panel comprising a housing and a seal. The width of the base-piece in the vicinity of the end on the opposite side from the shoulders is larger than a width of the housing from the one of the glass panes to the other of the glass panes. Thus, when the seal is positioned in the housing, the width of the base-piece in the vicinity of the end on the opposite side from the shoulders is compressed to the width of the housing.

In rejecting Claim 33, the Office Action again combines the weather strip described in Scott with the double pane glass assembly described in Kennedy.

However, it is respectfully submitted that Scott in view of Kennedy does not disclose or suggest that “the width of the base-piece in the vicinity of the end on the opposite side from the shoulders is larger than a width of the housing from the one of the glass panes to the other of the glass panes so that, when the seal is positioned in the housing, the width of the base-piece in the vicinity of the end on the opposite side from the shoulders is compressed to the width of the housing,” as recited in amended Claim 33.

Instead, the dimensions of the weather strip 28 are not described in Scott. As can be seen in Figure 5, the width of the weather strip 28 is not wider than a width of the groove 24 of the window frame member 21. This is evidenced by the u-shaped channel 26 being

positioned between the weather strip 28 and the groove 24. Thus, the strip 28 is not wider than a width of the housing from the one of the *glass panes* to the other of the *glass panes*.

Further, Scott describes that the weather strip 28 is snapped into the channel 26 (which does not have a constant distance between the side walls of the channel 26) and thus is firmly held within the channel 26 because the dove tail shape is wider than an opening of the channel 26, *not* the groove 24 of the glass pane. Accordingly, Scott does not describe that the width of the dove tail part of the weather strip 28 is wider than the channel 26 or the groove 24 at the rear of the channel 26 where the dove tail part is. Further, regarding the seal gasket assembly 20 positioned between the panes 12, 14 described in Kennedy, as the seal portion of the assembly 20 is either integral with or sealed to the spacer 40, 60, the seal described in Kennedy is not wider than the distance between the panes 12, 14. Thus, placing the weather strip 28 of Scott between the panes 12, 14 described in Kennedy does not equate to the claimed housing and seal.

Therefore, the combination of Scott in view of Kennedy does not disclose or suggest every feature recited in amended Claim 33. Thus, it is respectfully requested that the rejection of Claim 33, and all claims dependent thereon, be withdrawn.

New Claim 41 is added by the present amendment. As can be seen in the exemplary embodiment shown in Figure 10, when the seal is positioned in the housing, the two side walls of the seal body contact the two glass panes in the vicinity of the end near the shoulders. Thus, it is respectfully submitted that no new matter is added. Additionally, it is respectfully submitted that new Claim 41 is directed to the elected species. Further, it is noted that new Claim 41 depends on Claim 33 and thus is believed to be patentable for at least the reasons discussed above with respect to Claim 33.


Additionally, new Claim 41 recites, in part, that “wherein when the seal is positioned in the housing, the two sides walls contact the two glass panes in the vicinity of the end near

the shoulders.” Assuming that it is proper to provide the weather strip 28 described in Scott in the glass assembly described in Kennedy, as they are combined in the Office Action, then it is respectfully submitted that the side walls of the weather strip 28 in the vicinity of the flanges 32, 34 would not contact the glass panes 12, 14 of Kennedy. Instead, based on how Scott shows the weather strip 28 being separated from the side walls of the glass frame 21, it is respectfully submitted that those walls would also be separated from the glass panes 12, 14 of Kennedy. Thus, it is respectfully submitted that new Claim 41 further patentably defines over the cited references.

Consequently, in view of the present amendment, no further issues are believed to be outstanding and the present application is believed to be in condition for formal allowance. A Notice of Allowance is earnestly solicited.

Respectfully submitted,

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